

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION

UNITED STATES OF AMERICA,	*	
Plaintiff,	*	
v.	*	CIVIL NO. M-11-192
	*	
TWENTY-FOUR THOUSAND THREE	*	
HUNDRED SEVENTY DOLLARS	*	
(\$24,370.00) IN UNITED	*	
STATES CURRENCY,	*	
Defendant.	*	

**COMPLAINT FOR FORFEITURE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the United States of America, Plaintiff in the above entitled and numbered cause, by and through its United States Attorney for the Southern District of Texas and its Assistant United States Attorney assigned to this matter, and files this Complaint for Forfeiture against twenty-four thousand three hundred seventy dollars (\$24,370.00) in United States currency, hereinafter referred to as "the Defendant Currency," and would respectfully show the Court the following:

I.

Jurisdiction is conferred upon this Court by virtue of Title 28, United States Code, §§ 1345 and 1355.

II.

This Court is a proper venue for this matter pursuant to Title 28, United States Code, § 1395.

III.

The Defendant Currency is within the jurisdiction of the Court having been seized by agents of the United States of America.

IV.

The Defendant Currency are monetary instruments which were transported from a place outside the United States to a place in the United States for which a report required by Title 31, United States Code, § 5316 should have been filed but was not filed, and are subject to forfeiture to the United States by Title 31, United States Code, § 5317(c).

V.

In support of the assertions in paragraph IV., Plaintiff would respectfully show the Court the following. On February 4, 2011, a taxi carrying two passengers, Marvin Delfion Barrios Marchena and William Rolando Ortiz Chin arrived at the Port of Entry at Hidalgo, Texas, seeking enter the United States from Mexico. Mr. Barrios Marchena declared \$9,920.00 and Mr. Ortiz Chin declared \$4,450.00 to Customs and Border Protection Officer Camarillo. Mr. Barrios Marchena and Mr. Ortiz Chin were referred to the secondary inspection area for further inspection. In the secondary inspection area, both Mr. Barrios Marchena and Mr. Ortiz Chin advised Customs and Border Protection Officer Botello that they were not transporting currency in excess of \$10,000.00. Mr. Barrio Marchena stated: he was en route to Cypress, Texas, to buy vehicles and auto parts; he owned business in Guatemala named "Coinpesa"; and Mr. Ortiz Chin was his employee. Mr. Ortiz Chin stated that the \$4,450.00 in his possession belonged to Mr. Barrio Marchena and was to be used to buy a vehicle and auto parts. Cypress, Texas, is located east northeast of Dallas, Texas, and is over six hundred miles from Hidalgo, Texas. As Mr. Barrios Marchena was undergoing a "pat down" search of his person, he stated that he had an additional \$10,000.00 in U. S. currency concealed in his groin area. This statement proved to be correct. Mr. Barrios Marchena

stated that all the money belonged to him. All of the currency was seized and is named Defendant in this case.

VI.

The Defendant Currency has a value of \$24,370.00.

VII.

The United States respectfully demands trial by jury as to all questions of fact.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays for all of the following:

1. That monition issue according to the normal procedure of the Court citing all persons having an interest in the Defendant Currency to appear on the return day of said process and make such Claim and Answer as they may have;

2. That a Judgement of Forfeiture be entered against the Defendant Currency;

3. That, following the entry of a Judgment of Forfeiture, the Defendant Currency be disposed of according to law; and

4. For costs of this action, including costs of seizure, and for such additional relief to which Plaintiff may show itself entitled.

Respectfully submitted,

JOSÉ ANGEL MORENO  
UNITED STATES ATTORNEY

/S/ Allan Hoffmann  
Allan Hoffmann  
Assistant U. S. Attorney  
Attorney-in-Charge  
Texas Bar No. 09778700  
Southern District No. 6042  
United States Attorney's Office  
1701 W. Business 83, Suite 600  
McAllen, Texas 78501  
(956) 630-3173

**VERIFICATION**

I, Allan Hoffmann, Assistant United States Attorney for the Southern District of Texas, declare under penalty of perjury that I am the attorney for the Plaintiff in this case; that I have read the foregoing Complaint for Forfeiture, and, upon information and belief, state that assertions therein are true, my source of information being information in the public domain and documents in the custody of the of U. S. Attorney's Office concerning the facts set out in that Complaint.

/S/ Allan Hoffmann  
Allan Hoffmann  
Assistant U. S. Attorney